

In the specification at page 6, line 1 a punctuation error has been corrected and at page 6, line 6, an error in the grammatical amendment presented in the Preliminary Amendment filed with this CPA has been corrected.

The claims have been extensively amended by extensively rewriting independent claims 25, 44 and 54 and canceling their previously pending dependent claims 26-43, 45, 46, 48, 51, 55-59 and 61, whereby only claims 25, 44, 47, 49, 50, 52, 53, 54, 60, 62 and new claim 63 remain for examination. New claim 63 is supported by the last paragraph on page 7 of the specification. It is believed that the amendments to the claims place them in condition for allowance whereby reconsideration is respectfully requested.

Independent claim 25 has been rewritten to add and emphasize the selective transmission of both images and sounds over the cellphone, either live or delayed from a memory in the housing, and all the controls therefore, which are features not disclosed by the references.

Independent claims 44 and 54 have been amended to emphasize that the "sensor means" are "alarm sensor means. . . for detecting a sound or movement" near the device whereby the security and emergency functions of the device are required and emphasized. Further, the automatic activation of the camera when the alarm sensor means detects a sound or movement has been emphasized by the amendments to claims 44 and 54 and now a switch is required for selectively arming the alarm sensor means. Still further, claims 44 and 54 also require an audio recorder for selectively recording audible transmissions to and from the cellular phone as well as selectively recording sounds within a range of the device. Still further, claims 44 and 54 now requires switch

means for manually activating the camera without activating the cellphone, in the alternative, for manually activating the camera and cellphone together for transmitting the images.

These additional limitations are taken from several dependent claims that have been cancelled and therefore claims 25, 44 and 54 now combine elements and functions that were not the subject of any one claim that was considered by the Office Action. It is respectfully submitted that no combination of the previously applied references to meet claims 25, 44 and 54 would be "obvious" to one skilled in the art, except by improper hindsight in view of applicant's present patent application. Further, there is no incentive apparent from any of the references cited for combining the features now required by applicant's claims 25, 44 and 54, but such claimed device combines numerous recording, security, emergency and convenience elements and functions into a single "portable information communication device" that is extremely compact, useful and practical.

The Reeley et al. patent has been applied as the primary reference in rejecting all of the claims and yet that patent is actually directed to a combined electronic and film still camera that has entirely different purposes and functions than applicant's communication device. Reeley does not disclose automatic dialing of the cellphone to reach a remotely located telephone in any security or emergency situation but rather the cellphone is activated by the photographer for transmitting digital images to a remote location before determining whether the film images should be captured. The Reeley device and system merely sends digital data to a data bank (computer) for analysis without any capability for voice communication. Reeley does not disclose any sensors for initiating the picture taking and sending via the cellphone, such as in a security or emergency situation, but rather the only "sensor" is sensor unit 16 which includes a light sensor for exposure control of the camera and an

autofocus sensor for the camera. It is clear that such light and autofocus sensors in Reelee are not “alarm” sensors (such as a motion detector), as required by applicant’s claims 44 and 54.

Further, the Office Action asserts that Reelee discloses memory means for storing sounds (last paragraph on page 3 of the Office Action) but such memory means is only for the purpose of the operator recording information concerning the images taken by the camera, which is an entirely different purpose than applicant’s sound recording and transmitting functions for security and emergency purposes.

Still further, Reelee discloses a preferred embodiment (Figs. 1-4) wherein the camera and cellphone are separate thereby requiring at least two separate batteries. In describing another embodiment (Fig. 6) having a combined cellphone and camera, Reelee states that the recharging circuit 74 is for recharging batteries (plural), see col. 6, lines 11-20. Thus, there is no disclosure of a single battery, as required by applicant’s claim 54, and it is highly unlikely that the Reelee device could use a single battery because of the camera film winding mechanism. Reelee is simply a totally different device for a totally different purpose.

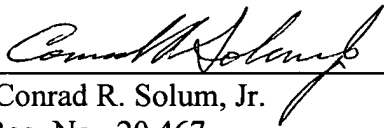
While each of the secondary references applied in the Office Action disclose various elements and functions that may be relevant to applicant’s claimed device, as now required by independent claims 25, 44 and 54, there is no suggestion or incentive in Reelee or the secondary references for combining such references into applicant’s claimed device, except for the improper hindsight based on applicant’s disclosure. For example, the Simms and Alpert patents are directed to security systems that are permanently installed in an automobile and clearly one skilled in the art to which the Reelee is directed (photographic devices) would not look to the art of automobile

security devices for making modifications or changes. Even all the search Classifications for Reelee are substantially different than those for Simms, Villa-Real and Alpert. Thus, it is respectfully submitted that it would not be obvious to combine the four references (Reelee, Simms, Villa-Real and Alpert) to achieve applicant's claimed communication device, whereby it is believed that independent claims 25, 44 and 54 are now allowable. Since each of the dependent claims adds a structural limitation, each dependent claim is allowable for the same reasons as claims 44 and 54, as well as by reason of the limitations they add. Reconsideration and a favorable action on the merits is respectfully requested.

Respectfully submitted,

LYON & LYON LLP

Dated: 3/18/00

By: 
Conrad R. Solum, Jr.
Reg. No. 20,467

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(213) 489-1600